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95.4 percent of its GDP is exposed to two or more natural hazards, making it the country with the second highest economic multi-hazard risk worldwide relative to its GDP.⁴² In fact, earthquakes have been responsible for the greatest proportion of economic loss, with the 2001 earthquakes causing effects equivalent to 12 percent of El Salvador's GDP.⁴³ These facts highlight that El Salvador continued to face serious environmental obstacles at the time of the decision to terminate TPS.

In addition to the ongoing environmental and economic impacts from the 2001 earthquakes, high levels of violence have continued to render El Salvador unable to handle the return of those granted TPS. At the time of the decision to terminate TPS, DHS found that the social and economic conditions affected by the earthquakes had stabilized but did not sufficiently consider the combined impacts of the earthquakes and economic instability on rates of violence and general insecurity.⁴⁴ El Salvador's recovery had been (and continues to be) encumbered by staggering levels of violence—mainly related to gang activity and the state's response—as well as pervasive and high levels of gender-based violence. In 2018, El Salvador had one of the world's highest homicide rates and its security forces were widely reported as either ineffective or engaged in human rights violations and abuses, including the extrajudicial executions of alleged gang members, sexual assaults, and enforced disappearances.⁴⁵ Violent gang activity is particularly serious in El Salvador due to the country's economic and social challenges.⁴⁶ Young people are highly vulnerable to gang recruitment, with a quarter of Salvadoran youth not

engaged in education, employment, or training.⁴⁷ Violent nonstate actors impact the ability of NGOs to operate by imposing restrictions in areas they control.⁴⁸ DHS also found that, in 2018, El Salvador was accepting the returns of its nationals who were removed for various reasons; however, it did not adequately consider that some of those who returned became targets for violent nonstate actors, leading to extortion, torture, and murder of deportees.⁴⁹

As explained above, at the time of the decision to terminate TPS, El Salvador continued to experience ongoing environmental disasters, economic instability, and high rates of violence, that were either insufficiently considered or not considered in the termination decision. The termination decision failed to adequately assess conditions in El Salvador in 2018. Those conditions continued to substantially disrupt living conditions and temporarily affected the country's ability to adequately handle the return of its nationals residing in the United States. The Secretary has concluded that reconsideration and rescission of the termination of TPS is appropriate and timely, particularly given that the 2018 termination decision has not yet gone into effect due to the ongoing litigation and associated court orders.

What authority does the Secretary have to extend the designation of El Salvador for TPS?

As noted above, section 244(b) of the INA, 8 U.S.C. 1254a(b), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist and instructs the Secretary to periodically review the country conditions underpinning each designation and determine whether they still exist, leading to either termination or extension of the TPS designation. However, if the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the

designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). If the Secretary does not make a decision as to either extension or termination, then INA section 244(b)(3)(C) requires the automatic extension of the designation for six months (or 12 or 18 months in the Secretary's discretion).

Prior to the now-rescinded termination of the TPS designation for El Salvador, the most recent extension of the designation was due to end on March 9, 2018.⁵⁰ In light of the Secretary's reconsideration and rescission of the January 18, 2018 decision to terminate the TPS designation for El Salvador, there is no longer any standing secretarial determination that El Salvador “no longer meets the conditions for designation” under INA section 244(b)(1). Accordingly, pursuant to INA section 244(b)(3)(C), and in the absence of an affirmative decision by any Secretary to extend the designation for 12 or 18 months rather than the automatic six months triggered by the statute, the TPS designation for El Salvador shall have been extended in consecutive increments of six months between the date when the last designation extension was due to end on March 9, 2018, and the effective date of the TPS extension announced in this notice on September 10, 2023. Coupled with the existing *Ramos* order and corresponding **Federal Register** notices continuing TPS and TPS-related documentation for affected beneficiaries under the designation for El Salvador, this means that all such individuals whose TPS has not been finally withdrawn for individual ineligibility are deemed to have retained TPS since March 9, 2018, and may re-register under procedures announced in this Notice.

Why is the Secretary extending the TPS designation for El Salvador for TPS for 18 months through March 9, 2025?

DHS has reviewed country conditions in El Salvador. Based on the review, including input received from DOS and other U.S. Government agencies, the Secretary has determined that an 18-month TPS extension is warranted because the conditions supporting El Salvador's 2001 designation for TPS on the basis of environmental disaster remain.

As previously discussed, El Salvador was originally designated for TPS in 2001⁵¹ following two separate

salvador/signing-japanese-oda-loan-el-salvador-improving-capacity-mitigate-and-manage (last visited: March 6, 2023).

⁴² Contributions of the PDNA and DRF to Post-Disaster Recovery: El Salvador Case Study 2022, United Nations Development Programme, available at <https://www.undp.org/latin-america/publications/case-study-contributions-pdna-and-drf-post-disaster> (last accessed March 6, 2023).

⁴³ Contributions of the PDNA and DRF to Post-Disaster Recovery: El Salvador Case Study 2022, United Nations Development Programme, available at <https://www.undp.org/latin-america/publications/case-study-contributions-pdna-and-drf-post-disaster> (last accessed March 6, 2023).

⁴⁴ Termination of the Designation of El Salvador for Temporary Protected Status, 83 FR 2654 (Jan. 18, 2018).

⁴⁵ El Salvador Events of 2018, Human Rights Watch, available at <https://www.hrw.org/world-report/2019/country-chapters/el-salvador> (last accessed March 6, 2023).

⁴⁶ Cheatham, Amelia & Roy, Diana, Central America's Turbulent Northern Triangle, Council on Foreign Relations, available at <https://www.cfr.org/background/central-americas-turbulent-northern-triangle> (last accessed March 6, 2023).

⁴⁷ Brand-Weiner, Ian, Reducing Violence in El Salvador: What it Will Take, Organization for Economic Cooperation and Development, available at <https://oecd-development-matters.org/2018/01/17/reducing-violence-in-el-salvador-what-it-will-take/> (last accessed March 6, 2023).

⁴⁸ Disaster Risk Reduction in El Salvador, An Evaluation of Non-Governmental Organizations' Role and Impact, Texas A&M University, May 3, 2022, available at condevcenter.org/Portals/0/El%20Salvador%20Capstone%202022.pdf (last accessed March 6, 2023).

⁴⁹ El Salvador: Background and U.S. Relations, Congressional Research Service, July 1, 2020, available at <https://sgp.fas.org/crs/row/R43616.pdf> (last accessed March 6, 2023).

⁵⁰ *See* 81 FR 44645 (July 8, 2016).

⁵¹ *Designation of El Salvador Under Temporary Protected Status Program*, 66 FR 14214 (Mar. 9, 2001).

earthquakes. Recovery from these earthquakes has been impeded by El Salvador's ongoing environmental challenges, including its high vulnerability to "more frequent occurrences of floods, droughts, and tropical storms, all of which disproportionately affect poor and vulnerable populations."⁵² During the rainy season, which generally runs from June to November, El Salvador is impacted by extreme weather, which damages roads, property, and infrastructure; disrupts supplies, services, and utilities; and even causes loss of life.⁵³ Through the present, El Salvador continues to experience compounding environmental disasters, hindering recovery and rendering it unable to handle adequately the return of its nationals.

As recently as October 2022, Tropical Storm Julia passed over El Salvador, leaving extensive flooding and deadly mudslides due to oversaturated ground from an active rainy season.⁵⁴ El Salvador declared a 15-day state of national emergency in response to Tropical Storm Julia.⁵⁵ Approximately 120 shelters were activated for 2,837 people, and at least 10 individuals died.⁵⁶ Assessments indicated that 180,000 people who were already facing acute food insecurity were affected by heavy rains.⁵⁷ A trend analysis of food insecurity and disasters found that environmental degradation and natural

disasters led to increased insecurity, and both of these factors have significantly impacted El Salvador since 2001.⁵⁸

In October 2018, the Government of El Salvador published an updated report regarding the heavy rain situation in the country at that time. Seven rivers flooded and 1,409 homes were affected.⁵⁹ In May and June 2020, tropical storms Amanda and Cristóbal causing widespread floods and landslides throughout the country, causing loss of life and significant material damage.⁶⁰ Collectively, the storms also disrupted agricultural production, and caused acute food insecurity due to irregular rainfall, which was worsened by the impacts of the COVID-19 pandemic.⁶¹ More than 149,000 people were directly affected the storms, and as a result, the WFP estimated that more than 330,000 people were facing severe food insecurity.⁶² In November 2020, the Civil Protection Agency in El Salvador issued a national red alert due to the formation of Hurricane Eta, which sent more than 2,200 people to shelters.⁶³ As a result of Hurricane Eta, El Salvador experienced major flooding and soon after, experienced heavy rain and flooding from Hurricane Iota.⁶⁴ It also

caused two deaths and significant agricultural damage across the country.⁶⁵ It is estimated that 17,000 people were internally displaced as a result of Hurricanes Eta and Iota.⁶⁶ These countrywide consecutive events led to an overwhelming increase in the number of identified people in need of humanitarian assistance from 643,000 before the start of the COVID-19 pandemic to 1.7 million.⁶⁷

In addition to the numerous environmental disasters following the 2001 earthquakes, El Salvador continues to experience a frail macroeconomic environment, a high rate of unemployment, violence, and a poor security situation that continues to render the country temporarily unable to adequately handle the return of its nationals. El Salvador is plagued by intense violence involving criminal groups and gang warfare, as well as a deteriorating political crisis, due to the government's aggressive security strategies to combat gang violence. As reported in July 2020 by the International Crisis Group (ICG), El Salvador continues to be exposed to violence involving criminal groups, particularly Mara Salvatrucha (MS-13) and the 18th Street gang's two factions, the Revolutionaries and the Southerners.⁶⁸ At that time, authorities estimated that 60,000 active gang members operated in 94 percent of the country's municipalities.⁶⁹ Gang violence has hampered reconstruction efforts, with NGOs reporting that in gang-controlled territories, they must abide by curfews, stop work when ordered, and often require approval from gangs to work in those areas.⁷⁰

⁶⁵ *Id.*

⁶⁶ US Department of State, 2021 Country Report on Human Rights Practices: El Salvador, April 12, 2022, <https://www.ecoi.net/en/document/2071137.html> (accessed on March 6, 2023).

⁶⁷ Durroux-Malpartida, Veronique, As El Salvador faces the double impact of hurricanes and COVID-19, NGOs step in, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Dec. 30, 2020, available at <https://www.unocha.org/story/el-salvador-faces-double-impact-hurricanes-and-covid-19-ngos-step> (last visited March 6, 2023).

⁶⁸ Miracle or Mirage? Gangs and Plunging Violence in El Salvador, International Crisis Group, p.2, July 8, 2020, available at <https://www.crisisgroup.org/latin-america-caribbean/central-america/el-salvador/81-miracle-or-mirage-gangs-and-plunging-violence-el-salvador> (last visited March 6, 2023).

⁶⁹ Miracle or Mirage? Gangs and Plunging Violence in El Salvador, International Crisis Group, p.2, July 8, 2020, available at <https://www.crisisgroup.org/latin-america-caribbean/central-america/el-salvador/81-miracle-or-mirage-gangs-and-plunging-violence-el-salvador> (last visited March 6, 2023).

⁷⁰ Disaster Risk Reduction in El Salvador, An Evaluation of Non-Governmental Organizations' Role and Impact, Texas A&M University, May 3, 2022, available at condevcenter.org/Portals/0/

⁵² The World Bank in El Salvador, Overview, The World Bank, Apr. 22, 2022, available at <https://www.worldbank.org/en/country/elsalvador/overview> (last visited March 6, 2023).

⁵³ Foreign Travel Advice El Salvador, Gov.UK, Oct. 20, 2022, available at <https://www.gov.uk/foreign-travel-advice/el-salvador/print> (last visited March 6, 2023).

⁵⁴ Northern Central America: TS Julia and Rainy Season Flash Update No. 01, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Oct. 14, 2022, available at: <https://reliefweb.int/report/guatemala/northern-central-america-ts-julia-and-rainy-season-flash-update-no-01-14-october-2022> (last visited March 6, 2023).

⁵⁵ Northern Central America: TS Julia and Rainy Season Flash Update No. 01, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Oct. 14, 2022, available at: <https://reliefweb.int/report/guatemala/northern-central-america-ts-julia-and-rainy-season-flash-update-no-01-14-october-2022> (last visited March 6, 2023).

⁵⁶ El Salvador: Tropical Storm Julia—Emergency Plan of Action (EPoA), DREF Operation No. MDRSV015, International Federation of Red Cross and Red Crescent Societies (IFRC) Situation Report, Oct. 26, 2022, available at <https://reliefweb.int/report/el-salvador/el-salvador-tropical-storm-julia-emergency-plan-action-epoa-dref-operation-no-mdrsv015> (last visited March 6, 2023).

⁵⁷ Northern Central America: TS Julia and Rainy Season Flash Update No. 01, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Oct. 14, 2022, available at <https://reliefweb.int/report/guatemala/northern-central-america-ts-julia-and-rainy-season-flash-update-no-01-14-october-2022> (last visited March 6, 2023).

⁵⁸ Restoring Food Security and Livelihoods for Vulnerable Groups Affected by Recurrent Shocks in El Salvador, Guatemala, Honduras and Nicaragua, UN World Food Programme, Oct. 7, 2013, https://one.wfp.org/operations/current_operations/project_docs/200490.pdf (last visited: March 6, 2023).

⁵⁹ Natural Disasters Monitoring, News and Press Release Pan-American Health Organization (PAHO), Oct. 10, 2018, available at <https://reliefweb.int/report/el-salvador/natural-disasters-monitoring-october-10-2018> (last visited March 6, 2023).

⁶⁰ Durroux-Malpartida, Veronique, As El Salvador faces the double impact of hurricanes and COVID-19, NGOs step in, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Dec. 30, 2020, available at <https://www.unocha.org/story/el-salvador-faces-double-impact-hurricanes-and-covid-19-ngos-step> (last visited March 6, 2023).

⁶¹ El Salvador-Disaster Response, USAID, Sept. 7, 2022, available at: <https://www.usaid.gov/el-salvador/our-work/disaster-response> (last visited March 6, 2023).

⁶² Durroux-Malpartida, Veronique, As El Salvador faces the double impact of hurricanes and COVID-19, NGOs step in, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Dec. 30, 2020, available at <https://www.unocha.org/story/el-salvador-faces-double-impact-hurricanes-and-covid-19-ngos-step> (last visited March 6, 2023).

⁶³ Durroux-Malpartida, Veronique, As El Salvador faces the double impact of hurricanes and COVID-19, NGOs step in, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Dec. 30, 2020, available at <https://www.unocha.org/story/el-salvador-faces-double-impact-hurricanes-and-covid-19-ngos-step> (last visited March 6, 2023).

⁶⁴ National Hurricane Center Tropical Cyclone Report: Hurricane Eta, NHC, Nov. 2020, https://www.nhc.noaa.gov/data/tcr/AL292020_Eta.pdf (last visited: Feb. 24, 2023); National Hurricane Center Tropical Cyclone Report: Hurricane Iota, NHC, Nov. 2020, https://www.nhc.noaa.gov/data/tcr/AL312020_Iota.pdf (last visited: March 6, 2023).

Elected in 2019, President Nayib Bukele has attributed a plunge in homicides to a security policy of sending police and troops into gang-controlled neighborhoods.⁷¹ However, El Salvador's overall decline in its homicide rate in 2020 and 2021⁷² has also been attributed to a "covert pact" between the government and the largest gangs operating in the country—the collapse of which reportedly led to a spike in murders in late March 2022.⁷³

President Bukele has been described as "increasingly authoritarian, and his critics say the leader's threat to democracy has only grown."⁷⁴ In a December 2021 report, the Congressional Research Service described a series of actions taken by President Bukele and his government as "democratic backsliding"⁷⁵ and "removing checks on presidential power."⁷⁶ In March 2022, the government of El Salvador declared a 30-day state of emergency, suspending citizen's constitutional rights, in response to a spike in homicides, when El Salvador registered 62 murders in a single day, "the bloodiest since the end of the country's civil war in 1992."⁷⁷

El%20Salvador%20Capstone%202022.pdf (last accessed March 6, 2023).

⁷¹ Treasury Targets Corruption Networks Linked to Transnational Organized Crime, Press Release, U.S. Treasury, Dec. 8, 2021, available at <https://home.treasury.gov/news/press-releases/jy0519> (last visited March 6, 2023). After experiencing a spike in homicides in 2015, El Salvador went from Latin America's most violent country to number 11 in 2021. See United States Institute of Peace, "El Salvador Needs Long-Term Solutions to End Cycles of Violence," Apr. 6, 2022, available at [https://www.usip.org/publications/2022/04/el-salvador-needs-long-term-solutions-end-cycles-violence#:~:text=From%20Latin%20America's%20most%20violent,Mexico%20\(26%20per%20100%20C000](https://www.usip.org/publications/2022/04/el-salvador-needs-long-term-solutions-end-cycles-violence#:~:text=From%20Latin%20America's%20most%20violent,Mexico%20(26%20per%20100%20C000) (last visited March 6, 2023).

⁷² InSight Crime's 2021 Homicide Round-Up, InSight Crime, Feb. 1, 2022, available at <https://insightcrime.org/news/insight-crimes-2021-homicide-round-up/> (last visited on March 6, 2023).

⁷³ Martínez, Carlos, Collapsed Government Talks with MS-13 Sparked Record Homicides in El Salvador, Audios Reveal, *El Faro* (El Sal.), May 17, 2022, available at <https://www.nytimes.com/2022/04/28/world/americas/el-salvador-bukele-gangs.html> (last visited March 6, 2023).

⁷⁴ El Salvador's Nayib Bukele: Strong and Getting Stronger, *America's Quarterly*, Feb. 23, 2021, available at <https://www.americasquarterly.org/article/aq-podcast-el-salvadors-nayib-bukele-strong-and-getting-stronger/> (last visited March 6, 2023).

⁷⁵ El Salvador: Authoritarian Actions and U.S. Response, Congressional Research Service, p.1, Dec. 23, 2021, available at <https://crsreports.congress.gov/product/pdf/IN/IN11658> (last visited March 6, 2023).

⁷⁶ El Salvador: Authoritarian Actions and U.S. Response, Congressional Research Service, p.2, Dec. 23, 2021, available at <https://crsreports.congress.gov/product/pdf/IN/IN11658> (last visited March 6, 2023).

⁷⁷ Renteria, Nelson, In El Salvador's gang crackdown, quotas drive 'arbitrary' arrests of innocents, *Reuters*, May 16, 2022, available at <https://www.reuters.com/world/americas/el-salvadors-gang-crackdown-quotas-drive-arbitrary-arrests-innocents-2022-05-16/> (last visited March 6, 2023).

This initial month-long crackdown on gangs has been regularly renewed since then, with the latest renewal announced in March 2023.⁷⁸ As of March 2023, more than 65,000 people had been arrested under these orders, and human rights groups claim that many of the of the mass detentions could amount to arbitrary detentions based on "poorly substantiated investigations or crude profiling of the physical appearance or social background of those detained."⁷⁹ Human Rights Watch reported that the government's emergency provisions suspended privacy rights, freedom of association and peaceful assembly, and some fair trial guarantees and other applicable legal protections.⁸⁰ Amnesty International has documented that authorities in El Salvador have dismantled judicial independence and committed torture and thousands of arbitrary detentions and violations of fair trial guarantees and other applicable legal protections.⁸¹

Since March 2022, police and soldiers have been conducting raids and arresting thousands at their home and in the street.⁸² The number of arrests under the state of emergency increased to 50,000 as of mid-August 2022.⁸³ Official statistics and other government information has become increasingly difficult to access under the state of emergency, and authorities reportedly have changed "what counts as a

salvadors-gang-crackdown-quotas-drive-arbitrary-arrests-innocents-2022-05-16/ (last visited March 6, 2023).

⁷⁸ El Salvador urged to uphold human rights amid state of emergency, *United Nations News*, Mar. 28, 2023, available at <https://news.un.org/en/story/2023/03/1135097> (last visited March 30, 2023).

⁷⁹ El Salvador urged to uphold human rights amid state of emergency, *United Nations News*, Mar. 28, 2023, available at <https://news.un.org/en/story/2023/03/1135097> (last visited March 30, 2023); How is a 'state of exception' changing El Salvador?, *Al Jazeera*, June 7, 2022, available at <https://www.aljazeera.com/program/the-stream/2022/6/7/what-is-the-true-impact-of-el-salvadors-state-of> (last visited March 6, 2023).

⁸⁰ El Salvador: Evidence of Serious Abuse in State of Emergency, *Human Rights Watch*, May 2, 2022, available at <https://www.hrw.org/news/2022/05/02/el-salvador-evidence-serious-abuse-state-emergency> (last visited March 6, 2023).

⁸¹ Tucker, Duncan, Eviscerating Human Rights Is Not The Answer To El Salvador's Gang Problem, *Amnesty International*, Aug. 31, 2022, available at <https://www.amnesty.org/en/latest/news/2022/08/eviscerating-human-rights-el-salvador-gang-problem/> (last visited March 6, 2023).

⁸² El Salvador: Evidence of Serious Abuse in State of Emergency, *Human Rights Watch*, May 2, 2022, available at <https://www.hrw.org/news/2022/05/02/el-salvador-evidence-serious-abuse-state-emergency> (last visited March 6, 2023).

⁸³ El Salvador extends state of exception as arrests hit 50,000, *Al Jazeera*, Aug. 17, 2022, available at <https://www.aljazeera.com/news/2022/8/17/el-salvador-extends-state-of-exception-as-arrests-hit-50000> (last visited March 6, 2023).

homicide."⁸⁴ The discrepancy between reported homicide numbers and the actual numbers of bodies reportedly recovered from mass graves continues to be of concern.⁸⁵ Under President Bukele, significant human rights abuses and violations by security forces are widely reported to continue, including unlawful disappearances, torture, and extrajudicial killings of suspected gang members.⁸⁶

The Internal Displacement Monitoring Centre (IDMC) noted in a 2018 report that "[d]isplacement caused by crime and violence has, by any measure, risen to the level of a humanitarian crisis in El Salvador."⁸⁷ In July 2018, internal forced displacement was officially recognized by the Supreme Court of El Salvador.⁸⁸ In January 2020, the Legislative Assembly approved the "Special Law for the Comprehensive Care and Protection of People in a situation of Forced Internal Displacement," a fundamental instrument to provide care, protection, and lasting solutions to people internally displaced due to violence from organized crime and criminal gangs, as well as those who may be at risk of displacement.⁸⁹ In August 2021, the United Nations High Commissioner for Refugees (UNHCR) reported that communities in El Salvador are severely affected by gang violence, extortion, death threats, and sexual violence, as

⁸⁴ Renteria, Nelson, In El Salvador, discrepancy over deaths and mass graves alarms critics, *Reuters*, Aug. 3, 2022, available at <https://www.reuters.com/world/americas/el-salvador-discrepancy-over-deaths-mass-graves-alarms-critics-2022-08-03/> (last visited March 6, 2023).

⁸⁵ Renteria, Nelson, In El Salvador, discrepancy over deaths and mass graves alarms critics, *Reuters*, Aug. 3, 2022, available at <https://www.reuters.com/world/americas/el-salvador-discrepancy-over-deaths-mass-graves-alarms-critics-2022-08-03/> (last visited March 6, 2023).

⁸⁶ US Department of State, 2021 Country Report on Human Rights Practices: El Salvador, April 12, 2022, <https://www.ecoi.net/en/document/2071137.html> (last visited March 6, 2023).

⁸⁷ Knox, Vickie, An Atomised Crisis: Reframing displacement caused by crime and violence in El Salvador, *Internal Displacement Monitoring Centre (IDMC)*, p.6, Sept. 2018, available at <https://www.internal-displacement.org/sites/default/files/publications/documents/201809-el-salvador-an-atomised-crisis-en.pdf> (last visited March 6, 2023).

⁸⁸ Fact Sheet > El Salvador, *United Nations High Commissioner for Refugees (UNHCR)*, p.2, Aug. 2021, available at <https://reporting.unhcr.org/sites/default/files/El%20Salvador%20Factsheet%20August%202021.pdf> (last visited March 6, 2023).

⁸⁹ Fact Sheet > El Salvador, *United Nations High Commissioner for Refugees (UNHCR)*, p.2, Aug. 2021, available at <https://reporting.unhcr.org/sites/default/files/El%20Salvador%20Factsheet%20August%202021.pdf> (last visited March 6, 2023).

well as other serious human rights violations.⁹⁰

Gang violence and lack of access to effective protection has forced tens of thousands to flee internally since 2006.⁹¹ Violence and lack of opportunities have forced people to leave their homes in search of protection, access to basic services and livelihood opportunities. COVID-19 has exacerbated the needs of internally displaced persons and those at risk of displacement by impacting their access to protection and livelihoods.⁹² While President Bukele's tactics have caused a decrease in the rate of gang violence, severe gang violence persists, and the tactics used by the Bukele administration have failed to address the root causes of gang membership, including poverty and insecurity, which are exacerbated by the lingering effects of major environmental disasters. Impoverished individuals are less likely to move to safer areas due to lack of financial resources and the geographic areas where they can afford to live are more likely to be gang-impacted and environmentally degraded.⁹³

In summary, while progress has been made in repairing damage caused by the 2001 earthquakes, El Salvador continues to experience numerous natural disasters that significantly disrupt living conditions and adversely impact its ability to adequately handle the return of those granted TPS. A weak macroeconomic environment, a high rate of unemployment, violence, and a poor security situation adversely impact the country's ability to fully recover and continue to render the country temporarily unable to adequately handle the return of its nationals.

Based upon this review and after consultation with appropriate U.S. Government agencies, the Secretary has determined that:

- At the time the Secretary's decision to terminate El Salvador's designation

for TPS was announced on January 18, 2018, conditions in El Salvador continued to support the country's designation for TPS on the ground of environmental disaster; therefore, the termination should be rescinded and such rescission is timely given that the termination has not yet gone into effect. See INA section 244(b)(1)(B), 8 U.S.C. 1254a(b)(1)(B).

- The conditions supporting El Salvador's designation for TPS still continue to be met. See INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There has been an earthquake, flood, drought, epidemic, or other environmental disaster in El Salvador resulting in a substantial, but temporary, disruption of living conditions in the area affected; El Salvador is unable, temporarily, to handle adequately the return of its nationals; and El Salvador officially requested designation of TPS. See INA section 244(b)(1)(B), 8 U.S.C. 1254a(b)(1)(B);
- The designation of El Salvador for TPS should be extended for an 18-month period, beginning on September 10, 2023 and ending on March 9, 2025. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

Notice of the Rescission of TPS Termination and Extension of the TPS Designation of El Salvador

Pursuant to my lawful authorities, including under sections 103(a) and 244 of the Immigration and Nationality Act, I am hereby rescinding the termination of the TPS designation of El Salvador announced in the **Federal Register** at 83 FR 2654 on January 18, 2018. Due to this rescission and pursuant to INA section 244(b)(3)(C), as well as the ongoing preliminary injunction in *Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), the TPS designation of El Salvador has continued to automatically extend under the statute since July 8, 2016, without a standing secretarial determination as to whether TPS should be extended or terminated. TPS beneficiaries under the designation, whose TPS has not been finally withdrawn for individual ineligibility, therefore have continued to maintain their TPS since March 9, 2018.

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting El Salvador's designation for TPS on the basis of environmental disaster continue to be met. See INA sections 244(b)(1)(B) and 244(b)(3)(A); 8 U.S.C. 1254a(b)(1)(B) and 1254a(b)(3)(A). On the basis of this

determination, I am extending the existing designation of El Salvador for TPS for 18 months, beginning on September 10, 2023 and ending on March 9, 2025. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). Individuals holding TPS under the designation of El Salvador may file to reregister for TPS under the procedures announced in this notice if they wish to continue their TPS under this 18-month extension.

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Re-Register for TPS

To re-register for TPS based on the designation of El Salvador, you must submit a Form I-821, Application for Temporary Protected Status during the 60-day reregistration period that starts on July 12, 2023 and ends on September 10, 2023. There is no Form I-821 fee for re-registration. See 8 CFR 244.17. You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the "Biometric Services Fee" section of this notice.

Individuals who have an El Salvador TPS application (Form I-821) that was still pending as of June 21, 2023 do not need to file the application again. If USCIS approves an individual's Form I-821, USCIS will grant the individual TPS through March 9, 2025.

Required Application Forms and Application Fees To Obtain an EAD

Every employee must provide their employer with documentation showing they have a legal right to work in the United States. TPS beneficiaries are authorized to work in the United States and are eligible for an EAD which proves their employment authorization. If you have an existing EAD issued under the TPS designation of El Salvador that has been auto-extended through June 30, 2024 by the notice published at 87 FR 68717, you may continue to use that EAD through that date. If you want to obtain a new EAD valid through March 9, 2025, you must file an Application for Employment Authorization (Form I-765) and pay the Form I-765 fee (or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver).

You may, but are not required to, submit Form I-765, Application for

⁹⁰ Fact Sheet > El Salvador, United Nations High Commissioner for Refugees (UNHCR), p.1, Aug. 2021, available at <https://reporting.unhcr.org/sites/default/files/El%20Salvador%20Factsheet%20August%202021.pdf> (last visited March 6, 2023).

⁹¹ Fact Sheet > El Salvador, United Nations High Commissioner for Refugees (UNHCR), p.2, Aug. 2021, available at <https://reporting.unhcr.org/sites/default/files/El%20Salvador%20Factsheet%20August%202021.pdf> (last visited March 6, 2023).

⁹² Fact Sheet > El Salvador, United Nations High Commissioner for Refugees (UNHCR), p.1, Aug. 2021, available at <https://reporting.unhcr.org/sites/default/files/El%20Salvador%20Factsheet%20August%202021.pdf> (last visited March 6, 2023).

⁹³ Disaster risk reduction in El Salvador, Texas A&M University, May 3, 2022, condevcenter.org/Portals/0/El%20Salvador%20Capstone%202022.pdf (last visited: March 6, 2023).